



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,092	11/13/2003	Yohei Yamamoto	245301US2	7287
22850	7590	04/06/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER WINTER, JOHN M	
			ART UNIT	PAPER NUMBER

3621

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/06/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/706,092	Applicant(s) YAMAMOTO, YOHEI	
	Examiner John M. Winter	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

DETAILED ACTION

Claims 1-44 are pending

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Response to Arguments

Applicants' arguments filed January 29, 2007 have been fully considered but they are not persuasive.

The applicant states that the outstanding rejection does not even clearly set forth which elements in the cited art are corresponded to the claim elements. For example the primary reference to Christiano discloses positive elements such as a license server, computer client, and database, but the outstanding rejection does not explicitly indicate which elements in Christiano are being correlated with which claim element.

The Examiner replies that the server manages licenses and the client is the requestor.

The Applicant states that, in Claim 1 the license acquisition request is sent not from a service use device, such as the client computer in Christiano, but from a service offer device, perhaps corresponding to the internal database 19 in Christiano. Christiano does not disclose or suggest any direct exchange of a license request and a response between a service offer device and a license management device. That is, Christiano does not disclose or suggest any direct exchange of a license request and a response between the client computer and the internal database.

The Examiner submits that in view lack of evidence within the Applicants specification to support otherwise, a "service offer device" can be construed as a client as per Christiano. see following rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3621

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christiano (US Patent 5,671,412) in view of Coley et al. (US Patent 5,790,664)

As per claim 1

Christiano ('412) discloses a license management apparatus for managing a license associated with a service that is provided from service offer means to service use means, the license management apparatus comprising:

license management means for managing the license;(Column 3, lines 20-34)

license acquisition request receiving means for receiving an acquisition request for the license from said service offer means; (Column 4, lines 35-46)

Christiano ('412) does not explicitly disclose license sending means for sending the license to said service offer means in response to the acquisition request for the license

Coley et al. ('790) discloses license sending means for sending the license to said service offer means in response to the acquisition request for the license (Figure 2) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Christiano ('412)'s system with Coley et al. ('790)'s teaching in order to automatically track software usage by tracking the distribution of licenses

Claims 12, 23 and 34 are in parallel with claim 1 and are rejected for at least the same reasons.

As per claim 2,

Christiano ('412) discloses the license management apparatus as claimed in claim 1, further comprising license counting means for counting a value associated with the license. (Figure 7, column 9, lines 40-64)

Claims 13, 24 and 35 are in parallel with claim 2 and are rejected for at least the same reasons.

As per claim 3,

Christiano ('412) discloses the license management apparatus as claimed in claim 2, wherein said license counting means counts the value when the license is acquired from authentication means that issues the license. (Figure 7, column 9, lines 40-64)

Claims 14, 25 and 36 are in parallel with claim 3 and are rejected for at least the same reasons.

As per claim 4,

Christiano ('412) discloses the license management apparatus as claimed in claim 2, wherein said license counting means counts the value when the license is sent to said service offer means in response to the acquisition request for the license. (column 10, lines 34-48)

Art Unit: 3621

Claims 15, 26 and 37 are in parallel with claim 4 and are rejected for at least the same reasons.

As per claim 5,

Christiano ('412) discloses the license management apparatus as claimed in claim 1, wherein the acquisition request for the license includes a license identifier that identifies the license. (Figure 11)

Claims 16, 27 and 38 are in parallel with claim 5 and are rejected for at least the same reasons.

As per claim 6,

Christiano ('412) discloses the license management apparatus as claimed in claim 1, wherein said license management means manages the license and the license identifier that identifies the license by relating to each other. (column 10, lines 25-33)

Claims 17, 28 and 39 are in parallel with claim 6 and are rejected for at least the same reasons.

As per claim 7,

Christiano ('412) discloses the license management apparatus as claimed in claim 1, further comprising license identifier acquisition request receiving means for receiving an acquisition request for the license identifier that identifies the license. (Figure 11, column 6, lines 12-18)

Claims 18, 29 and 40 are in parallel with claim 7 and are rejected for at least the same reasons.

As per claim 8,

Christiano ('412) discloses the license management apparatus as claimed in claim 1, further comprising license identifier sending means for sending the license identifier to a requesting means in response to the acquisition request for the license identifier that identifies the license. (Figure 11, column 6, lines 12-18)

Claims 19, 30 and 41 are in parallel with claim 8 and are rejected for at least the same reasons.

As per claim 9,

Christiano ('412) discloses a service offer apparatus comprising service offer means for providing a service to service use means, wherein said service offer means comprises:

license acquisition request sending means for sending an acquisition request for the license associated with the service to license managing means for managing the license; (Column 4, lines 35-46)

Art Unit: 3621

Christiano ('412) does not explicitly disclose license receiving means for receiving the license from said license management means. Coley et al. ('790) discloses license receiving means for receiving the license from said license management means (Figure 2) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Christiano ('412)'s system with Coley et al. ('790)'s teaching in order to automatically track software usage by tracking the distribution of licenses

Claims 20, 31 and 42 are in parallel with claim 9 and are rejected for at least the same reasons.

As per claim 10,

Christiano ('412) discloses the service offer apparatus as claimed in claim 9, wherein the acquisition request for the license contains a license identifier that identifies the license. (Figure 11)

Claims 21, 32 and 43 are in parallel with claim 10 and are rejected for at least the same reasons.

As per claim 11,

Christiano ('412) discloses the service offer apparatus as claimed in claim 9, further comprising license sending means for sending the license acquired from said license management means to said license management means. (Figure 11, column 6, lines 12-18)

Claims 22, 33 and 44 are in parallel with claim 11 and are rejected for at least the same reasons.

Conclusion


Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

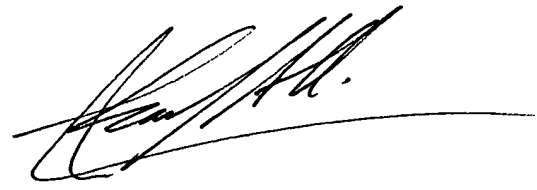
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Winter
Patent Examiner -- 3621



KAMBIZ ABDI
PRIMARY EXAMINER